

Before the
UNITED STATES COPYRIGHT ROYALTY JUDGES
Washington, D.C.

In re

Determination of Royalty Rates and Terms
for Transmission of Sound Recordings by
Satellite Radio and “Preexisting”
Subscription Services (SDARS III)

Docket No. 16–CRB–0001–SR/PSSR (2018–
2022) (Remand)

SUBPOENA

THE COPYRIGHT ROYALTY BOARD TO:	<i>(name and address of person being subpoenaed)</i> Prager Metis CPAs 14 Penn Plaza, Suite 1800 New York, NY 10122
At the Request of: <i>(party name)</i> SoundExchange, Inc.	<i>(name, address, and telephone number of contact person)</i> Emily Chapuis Jenner & Block LLP 1099 New York Ave, NW, Suite 900 Washington, D.C. 20001 (202) 638-6000

YOU ARE COMMANDED to appear at the time, date, and place set forth below to submit testimony in this royalty rate-setting proceeding. If you are an organization, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the matters set forth in **Schedule A**.

Place: TBD	Date and Time:
Issuing Officer Signature and Title: <i>On behalf of the Copyright Royalty Judges</i>	Date:
Issuing Officer’s Name, Address, and Telephone Number:	

YOU ARE COMMANDED to produce, at the date and time specified, for inspection and copying, the documents set forth in **Schedule B**.

Place: TBD, with copies to counsel for SoundExchange, Inc. and Music Choice	Date and Time:
Issuing Officer Signature and Title: <i>On behalf of the Copyright Royalty Judges</i>	Date:
Issuing Officer's Name, Address, and Telephone Number:	

Proof of Service		
	Date	Place
Served on (Print Name)		Manager or Service
Served by (Print Name)		Title
Declaration of Server		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.		
Executed on this ____ day of _____, 2021		
		Signature of Server
		Address of Server

Schedule A

Definitions

1. “Defensive Audit” refers to an audit or any similar verification procedure initiated by Music Choice in the ordinary course of business that Music Choice contends served or should serve as an acceptable verification procedure in lieu of a verification of Music Choice’s statutory royalty payments by an auditor selected by SoundExchange pursuant to audit regulations adopted by the Copyright Royalty Judges.

Topics for Testimony

1. Prager Metis CPAs’ royalty verification procedures on behalf of SoundExchange, including the effect of Music Choice’s use of so-called Defensive Audits on Prager Metis CPAs’ ability to conduct such royalty verification procedures.
2. The Defensive Audit conducted by BDO USA, LLP (“BDO”) for Music Choice and the effect of any such audit on Prager Metis CPAs’ ability to conduct a royalty verification procedure intended to reflect the period from 2013 to 2016.
3. The scope of the royalty verification procedures Prager Metis conducts on behalf of SoundExchange, as compared to the scope of Defensive Audits conducted for Music Choice.

Schedule B

Definitions

1. “Defensive Audit” refers to an audit or any similar verification procedure initiated by Music Choice in the ordinary course of business that Music Choice contends served or should serve as an acceptable verification procedure in lieu of a verification of Music Choice’s statutory royalty payments by an auditor selected by SoundExchange pursuant to audit regulations adopted by the Copyright Royalty Judges.

Requests for Production

1. All documents, including work papers, reports, analyses, and correspondence, concerning Prager Metis CPAs’s investigation, analysis, or evaluation of the Defensive Audits conducted by BDO USA, LLP (“BDO”) for Music Choice.